

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Randy Washington

COMPLAINT

(Enter above the full name of the plaintiff in this action)

v.

Civil Action No. \_\_\_\_\_

Marcus O. Hicks, F. Albano

(To be supplied by the Clerk of the Court)

Tony M. Black, Thomas F. Faran

RECEIVED

Marek Napierala, Marylin D. Merriell,  
Gerry G. Samosuk, CMS medical staff

(Enter the full name of the defendant or defendants in this action)

JUL 28 2021

AT 8:30

WILLIAM T. WALCOTT  
CLERK

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$402.00 (a filing fee of \$350.00, and an administrative fee of \$52.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$402.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$52.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

#### QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)



42 U.S.C. §1983 (applies to state prisoners)



Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

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1b. Indicate whether you are a prisoner or other confined person as follows:

Pretrial detainee

Civilly-committed detainee

Immigration detainee

Convicted and sentenced state prisoner

Convicted and sentenced federal prisoner

Other: (please explain) \_\_\_\_\_

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): None

Defendant(s): \_\_\_\_\_

b. Court and docket number: \_\_\_\_\_

c. Grounds for dismissal:  frivolous  malicious  
 failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: \_\_\_\_\_

e. Approximate date of disposition: \_\_\_\_\_

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? New Jersey State Prison

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Randy Kareem Washington

Address: N.J.S.P.P.O. Box 861 Trenton, NJ 08625

Inmate#: 1134298- 286/65C

b. First defendant:

Name: Marcus O. Hicks

Official position: Commissioner

Place of employment: New Jersey Department of Corrections

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He is legally responsible overall for all New Jersey State Prisons. And will not change the Prison excessive force Policy. So Prisoner's can been beaten, an Ignoring, failing to Rect to widespread Safety problem

c. Second defendant:

Name: F. Albiano

Official position: Senior Correctional Officer

Place of employment: New Jersey State Prison

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Sco. F. Albiano, was me i asked for a sergeant. So he pushed me. And punched me with a Flash light repeatedly. Where there was no need for force. Clearly Violating my Constitutional rights

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

Name: Steven Johnson

Official Position: Administrator

Place of Employment: New Jersey State Prison

How this defendant is involved in this case

Defendant Steven Johnson, Administrator is the administrator is the Administrator in New Jersey State Prison. He is legally responsible for the running and operation of N.J.S.P. And the welfare of all the prisoners.

Defendant Johnson knew of beaten happen every day. But Administrator give the officers a practice of getting tuff. And give S.I.D a Policy of Cover up or Just ignore the Prisoner. By hinding Him. The New Jersey Department of Corrections. Say if a officer hit an inmate. It have to have a full investigation. I wrote to everyone no one replied Violatins my Due Process's rights

Name: Marek Napierala

Official Position: Senior Correctional Officer

Place of Employment: New Jersey State Prison

How is Defendant involved in this case.

Defendant SCO. Marek Napierala, was with SCO. F. Albiano on 2L when Defendant ~~F. Albiano~~ was assaulting me on 2L. I asked the C/o Napierala for a Sergeant. F. Albiano said Fuck Him. And Defendant Napierala watched f. Albiano hit me with a flash light repetly. And just watch ed. And sprayed me with O.C spray. Helping defendant f. Albiano Violating my Constitution rights.

Name: Troy M. Black

Official Position: Senior Correctional Officer

Place of Employment: New Jersey State Prison

How is this defendant involved in the case:

Sco Troy m. Black, came in 2L grabbed my right hand and twisted it to slam me down to the floor. But walking out of 2L Sco Troy. m, Black rammed my Head in to every door or wall. All the way to the Clinic. Once inside the clinic room. Sco. Troy m. Black assaulted ~~me~~ me with other Correctional Officer in that room. And i Was hand Cuff behind my back. Hitting me over: over Violating my Eight Amendment Rights.

Name: Thomas F. Foran

Official Position: Senior Correctional Officer

Place of Employment: New Jersey State Prison

How was defendant involved with this case.

Defendant SCo. Thomas F. Foran, while on 2L  
Ramed my head in to every door frame going  
to the medical Clinic with SCo. Troy m. Black.  
Once in the Clinic Room SCo. Troy. M. Black  
Thomas F. Foran repettly hit me in the head  
and face. And body. And i was hand cuffed  
behind my back. Defendant using excessive  
force. Violating my Constitutional Rights.

Name Gary G. Samosuk

Official Position: Sergeant

Place of Employment: New Jersey State Prison

How is defendant involved in this case.

Sergeant Gary G. Samosuk lead the way to the medical Clinic and when we got there. Defendant Samosuk told every one to get in the Back hall ways and the back rooms. And they take me to a room up front. And closed the door and assaulted me in the upfront room. Using excessive force. And saying this is what happen when you Hit a Correction's Officer. And I was Hand cuffed the hole time.

Defendant Violating my Constitutional rights.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

Yes       No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I first exhausted all Administrative's Remedies Available under the facility rules. And the Administrator just said "Noted"

If your answer is "No," briefly explain why administrative remedies were not exhausted.

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6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

On 11-21-17, Defendant Sca. F. Albiano, on 2R assaulted me for NO Reason And Violating my Constitution Rights. Because i asked for a Supervisor. And on 2R defendant Troy M. Black, lead me off 2R handcuffed behind my back run my Head in every Wall going to the medical Clinic. Once in the Clinic Room, Troy M. Black ~~assaulted~~ Assaulted me by punching me in my Head. I was handcuffed 11 Hole time. On 11-21-17 Defendant Sca. Thomas F. Foran

Violated my Constitution Rights by running my Head into every Wall going to the medical Clinic with defendant Black. And assaulted me in the Clinic Room with Black. And i was handcuffed the hole time. On 11-21-17 defendant Gary G Samosuk Violated my Constitution Rights by Punching me in my Face and Head In the Clinic Room after telling everyone to get out. I was handcuffed the hole time. On 11-21-17 Defendant Marek Napierala Was assaulting me with defendant F. Albano When he assaulted me. And Helped him Hit me and Cover it up And Spayed me with O.C spray.

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7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

Grant a trial date  
To, if Plaintiff wins all defendant need  
to be fired. Award Compensatory damages  
And Punitive damages. And all Plaintiff's Cost

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8. Do you request a jury or non-jury trial? (Check only one)

Jury Trial ( ) Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of July, 2021

Randy Karen Washington

Signature of plaintiff\*

(\*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).